

## REMARKS/ARGUMENTS

The Office Action of June 14, 2006 has been carefully considered. Claims 1-96 and 107-130 are pending in the present application with claims 96-106 previously withdrawn. Claims 1, 39, 66, 96, 107, 108, 109, 110, 122, 123 and 127 are in independent form.

Claims 1-26, 29-36, 38-63, 65-87, 90-93, 95-96 and 107-130 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated U.S. Patent Publication No. 2002/0023853 to Lax et al. ("Lax"). Claims 27-28 and 88-89 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lax. Reconsideration of these rejections is respectfully requested.

The Examiner contends that Lax substantially discloses the features of claim 1, for example, of the present application. Applicants respectfully disagree.

Claim 1 relates to a lockable container for securing an asset therein including a first cover, a second cover coupled to the first cover, wherein the first and second covers are configured to move between an open position which allows access to the asset, and a closed position which encloses the asset, a locking mate arrangement operatively coupled to at least one of the first and second covers and a locking member, wherein the locking member is configured to move between an unlocked position in which the first and second covers can move to the open position and a locked position which locks the first and second covers in the closed position, and wherein the entirety of the locking member is internal to the container in the unlocked position.

Lax, as understood by Applicants, relates to a storage case that includes a top cover pivotably connected to a bottom cover through a spine. The top cover includes loops or an upper lock receiving member and a lower lock receiving member forming an insertion path and the bottom cover also includes loops or an upper lock receiving member and a lower lock receiving member forming another insertion path. The lower lock receiving members of both the top and bottom covers include hooks for receiving a latch. When the top cover is closed on the bottom cover, the insertion paths combine to form a combined insertion path. A lock for the storage case includes first and second catch mechanisms. To lock the storage case, the lock is inserted into the combined insertion path so that the catches on the lock mate with and are retained by the hooks.

Lax, however, does not disclose a storage case that includes a locking member configured to move between an unlocked and locked position "wherein the entirety of the locking member is

internal to the container in the unlocked position,” as is required by claim 1 of the present application, for example.

The Examiner argues that Lax discloses this feature in that the locking member is capable of being internal when in the unlocked position. The Examiner further appears to argue that in such a case, the locking member would reside in one of the two locking mates. Applicants respectfully disagree.

The locking member 400 of Lax is inserted into the combined insertion path to lock the storage case. However, as is described in paragraphs [0095] to [0097] of Lax, in order to unlock the storage case, the lock 400 is removed from the case completely. As described in Lax, magnets are used to provide an attraction force, or repulsion force, relative to the pins in the locking member to counter the biasing force of the spring arms, and thus, allow the lock 400 to be removed from the case. Thereafter, the case can be opened. Thus, in Lax, the entirety of the lock 400 is not “internal to the container in the unlocked position.” Indeed, as is described in Lax, in the unlocked position, the lock 400 is preferably entirely removed from the container.

Further, it does not appear that the locking member 400 of Lax is ever “entirely internal to the container”. As illustrated in Fig. 19 of Lax, for example, even when the lock 400 is in the locked position, the wall 404 of lock 400 forms a portion of the external wall of the container. Thus, at no point is the lock 400 of Lax ever entirely internal to the container.

Accordingly, it is respectfully submitted that claim 1, and the claims depending therefrom, are patentable over the cited art for at least the reasons described above.

Independent claims 39, 66, 107, 108, 109, 110 and 122 refer to containers, systems and methods for securing and/or accessing an asset. Each of these claims further requires that “the entirety of the locking member is internal to the container” when the locking member is in the unlocked position. As noted above, Lax does not disclose this feature.

Accordingly, it is respectfully submitted that claims 39, 66, 107, 108, 109, 110 and 122, and the claims depending therefrom, are patentable over the cited art for reasons at least similar to those described above with reference to claim 1.

Independent claim 123 relates to a key arrangement for locking and unlocking a container and claim 127 relates to a method for locking and unlocking a container. Both claims 123 and 127 further require that “the entirety of the locking member is internal to the container in the unlocked position”. Thus, it is respectfully submitted that claims 123 and 127, and the claims

depending therefrom, are also patentable over the cited art for reasons at least similar to those described above.

Independent claim 96 relates to a lockable container for securing an asset including a locking member "being arranged entirely within the container." As noted above, the lock 400 of Lax is not entirely within the container regardless of what position it is in. The lock 400 is completely removed from the container when it is in the unlocked position and even when it is in the locked position, the wall 404 of the lock 400 forms a portion of an external wall of the container, and thus, is not entirely within the container.

Accordingly, it is respectfully submitted that claim 96, and the claims depending therefrom, are patentable over the cited art for at least the reasons described above.

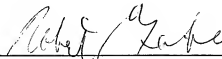
With regard to the rejection of claims 27-28 and 88-89 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lax, claims 27-28 depend indirectly from independent claim 1 and claims 88-89 depend indirectly from independent claim 66. As noted above, it is believed that claims 1 and 66, respectively, are patentable over the cited art. Further, it is believed that the claims depending from claims 1 and 66, including claims 27-28 and 88-89, respectively, are also patentable over the cited art for at least similar reasons.

In light of the remarks made herein, it is respectfully submitted that claims 1-95 and 106-130 are patentable over the cited art and are in condition for allowance.

Favorable reconsideration of the present application is respectfully requested.

Respectfully submitted,

THIS CORRESPONDENCE IS BEING  
SUBMITTED ELECTRONICALLY  
THROUGH THE UNITED STATES  
PATENT AND TRADEMARK OFFICE  
EFS FILING SYSTEM  
ON DECEMBER 14, 2006



Robert C. Faber  
Registration No.: 24,322  
OSTROLENK, FABER, GERB & SOFFEN, LLP  
1180 Avenue of the Americas  
New York, New York 10036-8403  
Telephone: (212) 382-0700

RCF:KJB/jl